



STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

STEVEN E. CHESTER
DIRECTOR

April 19, 2007

The Honorable Valde Garcia, Chair
Senate Appropriations Subcommittee
on Environmental Quality
State Capitol
P.O. Box 30036
Lansing, Michigan 48909-7536

The Honorable Doug Bennett, Chair
House Appropriations Subcommittee
on Environmental Quality
State Capitol
P.O. Box 30014
Lansing, Michigan 48909-7514

Dear Senator Garcia and Representative Bennett:

Attached is the *Development of Beach Grooming Practices for Great Lakes Coastal Areas Report* that has been prepared in accordance with the requirements of Section 602 of PA 343 of 2006, the fiscal year 2007 appropriations bill for the Department of Environmental Quality (DEQ). The report details efforts to determine appropriate beach grooming practices for Great Lakes coastal areas.

If you require further information, please contact Ms. Elizabeth M. Browne, Acting Chief, Land and Water Management Division, at 517-241-9061, or you may contact me.

Sincerely,

Steven E. Chester
Director
517-373-7917

Attachment

cc: Members of the Senate Appropriations Subcommittee on Environmental Quality
Members of the House Appropriations Subcommittee on Environmental Quality
Ms. Teresa Bingman, Governor's Office
Mr. Gary S. Olson, Director, Senate Fiscal Agency
Mr. Mitchell E. Bean, Director, House Fiscal Agency
Mr. Bob Emerson, Director, Office of the State Budget
Mr. Stanley F. Pruss, Deputy Director, DEQ
Ms. Carol Linteau, Legislative Liaison, DEQ
Mr. James Kasprzak, DEQ
Ms. Elizabeth M. Browne, DEQ
Ms. Katherine Tetzlaff, DEQ

Michigan Department of Environmental Quality Land and Water Management Division

Development of Beach Grooming Practices for Great Lakes Coastal Areas April 11, 2007

This report is being submitted in compliance with Section 602 of PA 343 of 2006, which made appropriations for fiscal year 2007 to the Department of Environmental Quality (DEQ). Section 602 requires that the DEQ's Land and Water Management Division (LWMD) submit a report that, "...defines appropriate beach grooming practices to the senate and house appropriations subcommittees on environmental quality and the senate and house fiscal agencies by April 30, 2007." Section 602 further states that "...these beach grooming practices shall be developed in consultation with beach grooming interest groups."

In June of 2003, the Michigan Legislature passed 2003 PA 14, which exempted mowing and other limited beach maintenance activities from wetlands and Great Lakes bottomlands protection requirements through November 1, 2007. In preparation for the expiration of these exemptions, the DEQ has been working with the Shoreline Management Policy Workgroup for the past 18 months. This group consists of numerous citizen groups, (Save our Shoreline, Michigan Environmental Council, Tipp of the Mitt Watershed Council, Ducks Unlimited, Michigan United Conservation Clubs, Lone Tree Council, and National Wildlife Federation) and other interested parties (Traverse City Chamber of Commerce, Grand Traverse Band of Ottawa and Chippewa Indians, U.S. Army Corps of Engineers, Department of Natural Resources, Grand Traverse Bay Keeper, Bay County, and the Traverse City Visitor's Bureau). The goal of the workgroup was to determine the best way to protect the ecological values of Great Lakes shorelands, while continuing to recognize landowner interests.

Based on the efforts of this workgroup, the DEQ has proposed new General Permit (GP) categories for limited, reasonable shoreline management activities, as listed below. The DEQ, in consultation with the workgroup, has determined that this GP covers most shoreline management activities that will benefit individual landowners while still maintaining adequate protection of Great Lakes wetlands resources. The GP will cover bottomlands of the entire Great Lakes shoreline in Michigan below the ordinary high watermark and above the water's edge.

The proposed GP has been distributed to the public for review and comment through the DEQ Calendar and direct mailings. Following a 90-day comment period ending on May 6, 2007, a final version of the GP will be prepared after taking public comments into consideration. Subsequent issuance of the new GP during the summer of 2007 will allow adequate time for shoreline residents to apply for and receive authorization for shoreline management activities before current exemptions sunset on November 1, 2007.

The following activities are proposed for authorization under the GP:

- Leveling and grooming of sand in areas that are naturally free of vegetation or where all vegetation has been removed and maintained in accordance with the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).
- Construction and maintenance of a maximum six-foot wide, temporary access walkway from upland to the shoreline using materials obtained from exposed, non-vegetated bottomlands or from the upland on the riparian property.
- Mowing of vegetation for a pathway no more than ten feet wide, to a height of not less than four inches. (This height was recommended by wildlife specialists to protect both plant and animal life.)
- Mowing of a recreational area not to exceed 400 square feet to a height of not less than four inches.
- Mowing of previously mowed areas in Grand Traverse and Saginaw Bays (the two pilot areas designated by the DEQ under 2003 PA 14) if the applicant can provide evidence that the previous mowing was conducted in accordance with the NREPA.
- Mowing of areas predominantly vegetated by invasive or non-native species as part of a vegetation control plan, in accordance with recommendations provided by the DEQ.

The above activities are not authorized in designated environmental areas or critical dunes, or in areas that are known habitats of state or federally threatened and endangered species. The GP may be reviewed in its entirety on the DEQ Web site at www.michigan.gov/deqwetlands under the heading "Public Notice for Proposed General Permit Category for Limited Great Lakes Shoreline Management Activities."

In order to ensure DEQ staff and the public are aware of appropriate shoreline management practices and the GP, the LWMD has proposed an implementation plan to the Shoreline Management Policy Workgroup. The implementation plan includes the following actions to be carried out by the LWMD:

- Development of a short, simplified application form for projects meeting the GP categories.
- Direct mailings explaining the new GP categories to certain groups of shoreline property owners and to all interested organizations for publication in newsletters. (Save Our Shoreline has expressed an interest in disseminating such information.)
- Development of non-technical fact sheets explaining permitting requirements for shoreline management activities.

- Public information meetings to be held in several locations throughout the state.
- Establishment of a Web page for Great Lakes Shoreline Management Activities on the DEQ Web site.
- Issuance of a press release explaining the changes to shoreline management regulations, with a focus on distribution to all shoreline areas of the state.
- Training of field staff located at district offices throughout the state, as the DEQ budget allows.

Through the efforts of the Shoreline Management Policy Workgroup, the LWMD has made significant progress in defining appropriate shoreline management activities. Additional information regarding shoreline management will be posted on the DEQ Web site at www.michigan.gov/deqwetlands under the topic "Great Lakes Shoreline Management" as it is developed.